

327 01 PCT/PTO 28 APR 2000

TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO.

09/463,890

INTERNATIONAL APPLICATION NO.

PCT/EP 04816

INTERNATIONAL FILING DATE

July 31, 1998

PRIORITY DATE CLAIMED

August 1, 1997

INVENTOR(S)

COMBINANT VECTOR CONTAINING INFECTIOUS, VIRAL GENOME SEQUENCES GREATER THAN 100 KB,  
METHOD FOR PRODUCING SAME AND USE FOR THE MUTAGENESIS OF THE VIRAL SEQUENCES

INVENTOR(S) FOR DO/EO/US

SNOWSKI, Ulrich H.; MESSERLE, Martin; BRUNE, Wolfram

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) now rather than delay examination until the expiration of the applicable time limit set forth in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendment to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A copy or translation of the Amendments made by the Applicant during PCT Chapter II, which are attached as Annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 17 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment. ☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ A verified small entity statement.
17. ☒ Other items or information:  
Amendment and Petition for Correction of Inventorship  
Statement of Wolfram Brune Regarding Correction of Inventorship Under 37 C.F.R. 1.48(a)

05/10/2000 PVOLPE 00000077 09463890

01 FC:122  
02 FC:154

130.00 OP  
130.00 OP

U.S. APPLICATION NO.  
09/463,890

INTERNATIONAL APPLICATION NO.  
PCT/EP98/04816

ATTORNEY'S DOCKET NO.  
203676

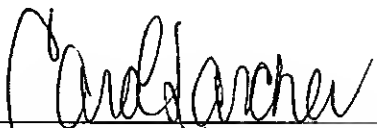
18. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS	PTO USE ONLY
<b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b>					
Search Report has been prepared by the EPO or JPO ..... \$ 840.00				\$	
International preliminary examination fee paid to USPTO ..... \$ 670.00				\$	
No international preliminary examination fee paid to USPTO, but international search fee paid to USPTO ..... \$ 690.00				\$	
Neither international preliminary examination fee nor international search fee paid to USPTO ..... \$ 970.00				\$	
International preliminary examination fee paid to USPTO and all claims satisfied provisions of PCT Article 33(1) to (4) ..... \$ 96.00				\$	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT=</b>				\$	
Surcharge of \$130.00 for furnishing the National fee or oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	-20=		x \$ 18.00	\$	
Independent Claims	- 3 =		x \$ 78.00	\$	
<input type="checkbox"/> Multiple Dependent Claim(s) (if applicable)			+\$260.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS=</b>				\$130.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed.				\$	
<b>SUBTOTAL=</b>				\$130.00	
Processing fee of \$130.00 for furnishing English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date.				\$	
<b>TOTAL NATIONAL FEE=</b>				\$130.00	
Fee for recording the enclosed assignment. The assignment must be accompanied by an appropriate cover sheet. \$40.00 per property +				\$	
<b>TOTAL FEE ENCLOSED=</b>				\$260.00	
				Amount to be: refunded	\$
				charged:	\$

- a. ☒ A check in the amount of \$260.00 (\$130.00 surcharge for the oath or declaration and \$130.00 fee set forth under 37 C.F.R. § 1.17(i)) is enclosed.
- b. ☐ Please charge Deposit Account No. 12-1216 in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

  
Carol Larcher, Registration No. 35,243  
One of the Attorneys for Applicant(s)

**CERTIFICATION UNDER 37 C.F.R. § 1.10**

"Express Mail" Label Number: EL190831069US

Date of Deposit: April 28, 2000

I hereby certify that this express request to begin national examination procedures under 35 U.S.C. § 371(f) of the International Patent Application referenced above, including all of the items listed thereon as enclosures, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Box PCT, Assistant Commissioner for Patents, Attention: DO/EO/US, Washington, D.C. 20231.

Becky Williams  
Printed Name of Person Signing:

Becky Williams  
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Koszinowski et al.

Group Art Unit: Unassigned

U.S. National Phase of  
International Application No.  
PCT/EP98/04816

Examiner: Unassigned

Filed: January 31, 2000

For: RECOMBINANT VECTOR  
CONTAINING INFECTIOUS,  
VIRAL GENOME SEQUENCES  
GREATER THAN 100 KB,  
METHOD FOR PRODUCING  
SAME AND USE FOR THE  
MUTAGENESIS OF THE VIRAL  
SEQUENCES

STATEMENT OF WOLFRAM BRUNE  
REGARDING CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, the undersigned, Wolfram Brune, pursuant to 37 C.F.R. § 1.48(a), state that I am an inventor of the subject matter of the present patent application, and that the error in inventorship which resulted in my omission as an inventor in the application as originally filed occurred without deceptive intention on my part.

Dated: Feb. 28, 2000

By: Wolfram Brune  
Wolfram Brune

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Koszinowski et al.

Serial No. 09/463,890

Filed: January 31, 2000

Group Art Unit: Unassigned

Examiner: Unassigned

For: RECOMBINANT VECTOR  
CONTAINING INFECTIOUS, VIRAL  
GENOME SEQUENCES GREATER  
THAN 100 KB, METHOD FOR  
PRODUCING SAME AND USE FOR  
THE MUTAGENESIS OF THE  
VIRAL SEQUENCES

AMENDMENT AND PETITION FOR CORRECTION OF INVENTORSHIP OF  
PATENT APPLICATION UNDER 37 C.F.R. § 1.48(a)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sirs:

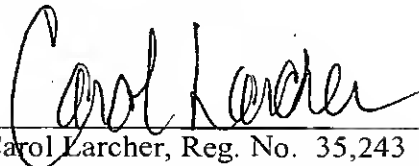
I. This is a petition to correct inventorship of the above-identified patent application. Less than the actual inventors were named without any deceptive intention on the part of the inventors. It is respectfully requested that the U.S. Patent and Trademark Office amend the application to name all of the inventors.

2. Applicants request that the above-captioned patent application be amended to include Wolfram Brune in the list of named inventors. This person's invention is presently claimed in this application.

3. Upon review of the instant application and the claims in their current form, Applicants have discovered that the claims encompass the invention of Wolfram Brune. Accordingly, amendment of inventorship is not only proper but required.

4. The amendment of inventorship has been diligently made after discovery that more than all of the originally named inventors are the actual inventors of the claimed invention and is accompanied by a statement by the inventor, Wolfram Brune, and the fee set forth in 37 C.F.R. § 1.17(i).

Respectfully submitted,



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Carol Larcher, Reg. No. 35,243  
One of the Attorneys for Applicants  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: April 28, 2000